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Attorneys for Defendant
NIKE, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DUSTIN GORMLEY, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

NIKE, Inc., an Oregon corporation,

Defendant.

Case No. 11-cv-00893-SI

**STIPULATION AND ~~PROPOSED~~ ORDER
TO STRIKE CERTAIN ALLEGATIONS IN
COMPLAINT**

After meeting and conferring regarding (i) allegations relating to injunctive relief, (ii) allegations relating to “damages,” and (iii) the jury demand asserted in the complaint, plaintiff Dustin Gormley and defendant Nike, Inc., by and through their respective counsel, hereby stipulate and agree that the following portions of complaint should be stricken:

- Page 1, line 15 and generally: the words “[JURY TRIAL DEMANDED]” and plaintiff’s demand for trial by jury generally;
- Page 6, line 8: paragraph 24, subparagraph (d), in its entirety;
- Page 6, line 9: paragraph 24, subparagraph (e), in its entirety; and
- Page 7, lines 18-22: second paragraph in the Prayer for Relief in its entirety.

IT IS SO STIPULATED.

Dated: April 14, 2011

HOFFMAN & LAZEAR
H. TIM HOFFMAN (049141)
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/s/ Chad A. Saunders

Chad A. Saunders

Attorneys for Plaintiff
DUSTIN GORMLEY

Dated: April 14, 2011

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/s/ Jennifer M. French

Jennifer M. French

Attorneys for Defendant
NIKE, INC.

FILER'S ATTESTATION

Pursuant to General Order No. 45, Section X, Subparagraph B, the undersigned attests that all parties have concurred in the filing of this Stipulation and [Proposed] Order to Strike Certain Allegations in Complaint.

Dated: April 14, 2011

COOLEY LLP
MICHELLE C. DOOLIN (179445)
BEATRIZ MEJIA (190948)
JENNIFER M. FRENCH (265422)

/s/ Jennifer M. French
Jennifer M. French

Attorneys for Defendant
NIKE, INC.

[PROPOSED] ORDER

Having considered the stipulation filed by plaintiff Dustin Gormley and defendant Nike, Inc., and good cause appearing, the following portions of the complaint shall be stricken:

- Page 1, line 15 and generally: the words “[JURY TRIAL DEMANDED]” and plaintiff’s demand for trial by jury generally;
- Page 6, line 8: paragraph 24, subparagraph (d), in its entirety;
- Page 6, line 9: paragraph 24, subparagraph (e), in its entirety; and
- Page 7, lines 18-22: second paragraph in the Prayer for Relief in its entirety.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 4/14/11



THE HONORABLE SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE

PROOF OF SERVICE
(FRCP 5)

I hereby certify that on April 14, 2011, I electronically filed:

**STIPULATION AND [PROPOSED] ORDER TO STRIKE CERTAIN
ALLEGATIONS IN COMPLAINT**

with the clerk using the CM/ECF system, which will send notification of such filing to the
following attorneys of record at the following listed email addresses:

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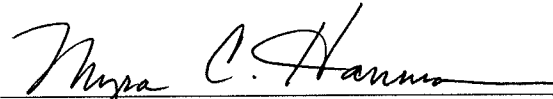
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